



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731

July 6, 2005

Juan Benítez-Márquez
Carolina, PR

NOTICE OF UNLICENSED OPERATION

Case Number: EB-05-SJ-021
Document Number: W20053268002

The San Juan Office received information that an unlicensed broadcast radio station on 90.1 MHz was allegedly operating in Carolina, Puerto Rico. On June 8, 2005, agents from this office confirmed by direction finding techniques that radio signals on frequency 90.1 MHz were emanating from a building in the Cacao Ward, just off road 858 in Carolina, Puerto Rico. The owner of the building stated you rented a room on the first floor of the building. On June 28, 2005, you admitted to the agents that you operated the station from your room in the building. The Commission's records show that no license was issued for operation of a broadcast station on 90.1 MHz at this location in Carolina, Puerto Rico.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 90.1 MHz was measured at 5500 $\mu\text{V/m}$ at 60 meters, which exceeded the maximum permitted level of 250 micro volts per meter ($\mu\text{V/m}$) at 3 meters for non-licensed devices. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the

letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Reuben Jusino
Resident Agent
San Juan Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003